

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

STEVEN A. MALECHEK,
Defendant.

8:21-CR-196

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court on the government's Motion for Preliminary Order of Forfeiture. [Filing 67](#). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. On May 12, 2022, defendant entered into a plea agreement, pleading guilty to Counts I, II, and III, and admitting to the Forfeiture Allegation of the Indictment. [Filing 64](#).
2. Counts I and III charged defendant with possession with intent to distribute methamphetamine, in violation of [21 U.S.C. § 841\(a\)\(1\)](#) and (b)(1). Count II charged defendant with possession of a firearm in furtherance of a drug trafficking crime, in violation of [18 U.S.C. § 924\(c\)\(1\)\(A\)](#).
3. The Forfeiture Allegation of the Indictment alleged the \$14,173.00 U.S. currency was derived from proceeds obtained directly or indirectly as a result of the violation and/or was used or intended to be used to commit or facilitate the violation.
4. As a result of this plea, defendant's interest in the currency is forfeited to the United States.
5. The United States is entitled to possession of the currency. [21 U.S.C. § 853](#).
6. The Motion for Preliminary Order of Forfeiture should be granted.

IT IS ORDERED:

A. The Motion for Preliminary Order of Forfeiture, [Filing 67](#), is hereby granted.

B. Defendant's interest in the currency is hereby forfeited to the United States. 21 U.S.C. § 853(n)(1).

C. The United States is hereby authorized to seize the currency.

D. The United States shall hold the currency in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish notice of this Preliminary Order of Forfeiture for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the currency.

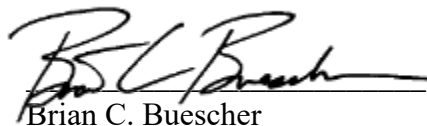
F. Pursuant to 21 U.S.C. § 853(n)(2), notice shall provide that any person, other than defendant, having or claiming a legal interest in the currency must file a petition with this Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

G. Pursuant to 21 U.S.C. § 853(n)(3), a petitioner must sign the petition under penalty of perjury and set forth the nature and extent of the petitioner's right, title or interest in the currency and any additional facts supporting the petitioner's claim and the relief sought.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture addressing all interests. 21 U.S.C. § 853(n).

Dated this 25th day of May, 2022.

BY THE COURT:


Brian C. Buescher
United States District Judge